

The Transportation Lawyers Association, founded in 1937, is comprised of attorneys who represent the providers and consumers of transportation services. TLA, with 700 members located throughout the United States, Canada, and Mexico, regularly comments on issues of importance to the transportation community and in support of highway safety improvements.

These comments are limited to the issue of whether non-government personnel should be certified in accordance with the indicated proposals. TLA believes that the issue here is not certification, but compensation.

Non-government individuals should not be certified until the FMCSA has constructed a system that insures that these individuals serve only one master, the public interest. Without a system defining the source and amount of compensation, an opportunity for mischief will be made available. A system where the investigator is compensated directly by the carrier raises worrisome possibilities. The transportation community has, in connection with the CDL scandals, seen how destructive the misuse of safety programs can be.

FMCSA must assure the public that it has in place those safeguards necessary to ensure the integrity not only of the certification process, but also the actions of certified individuals. Indeed, decertification should be implemented not only for failure to possess the requisite technical knowledge, but also for those who fail ethical standards.